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**MEMORANDUM**

TO: Planning Commission  
FROM: Steve Osguthorpe, AICP, Community Development Director  
SUBJECT: Public Workshop - Billboards & Digital Signs  
Date: January 15, 2014

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As follow-up to our December 11 Public Workshop on billboards and digital signs I have prepared the attached summary of public comments, which includes both oral testimony at the workshop, and written testimony submitted prior to and after the workshop. As you will see, suggestions varied widely, particularly regarding regulations of billboards, but most people favored some regulation of digital signs. Based upon the comments, the following approaches might be considered (I have addressed billboards and digital signs separately):

**Billboard Options:**

1. Retain the status quo – change nothing.

This option would reflect the input of the billboard industry, which claims that there is no need to put any further restrictions on billboards because (a), the industry is one of the most highly regulated industries in America, (b) billboards are highly regulated in Yakima and they can't put billboards up everywhere the code allows them, (C) Since 2009 only one billboard has been installed and one billboard converted to digital, (d) the industry regulates itself as far as illumination goes, and (e) that it already complies with an 8-second rule.

2. Retain the status quo but impose digital regulations including brightness of illumination and rapidity of message change.

This option would likely be acceptable to the billboard industry because at least one industry rep. states that his company already complies with intensity limitations and already limits the rapidity of message changes. However, this requires further discussion to determine if the standards the industry imposes on itself are the standards that would be acceptable to the City. (See staff comments below).



3. Cap the amount of existing billboards to those already in place and adopt relocation and/or conversion standards.

This option may address some council member comments regarding reducing billboards in some locations such as the downtown. This option might be tolerable and perhaps even helpful to the industry only if the market for billboards in Yakima is already saturated as the industry has suggested<sup>1</sup>. While industry reps have stated that it is impossible to have all the billboards that the code otherwise allows, it has not defined how many additional billboards the market might tolerate under current regulations. If the market for billboards is at or near saturation now, then this Option 3 would impose little burden that the market hasn't otherwise imposed. It would, however, provide opportunity to relocate some existing billboards that are not easy to market because of their location and allow them to be relocated to a more marketable location. However, a more marketable location may also make billboards appear to be more dominant in Yakima than they currently are.

4. Adopt prohibitions on any new billboards including digital billboards and allow existing legally installed billboards to be retained as legal non-conforming structures.

This option would allow the industry to continue to use its existing billboards the same as it has in the past, resulting in no loss of lease revenue (to either the industry or the property owner), and no loss of structure value<sup>2</sup>. It would allow the changing of advertising copy on existing signs, but it would not allow any structural or locational changes to existing signs other than those permitted by current non-conforming provisions of YMC Chapter 15.19. This is the option adopted by most jurisdictions that have imposed bans on any new billboards, and it is the option that might be acceptable to at least two of the individuals who supported restrictions on billboards. This option might not unduly burden the billboard industry only if the market for Yakima is as saturated as industry reps have stated.

5. Adopt prohibitions on any off-premise signs and allow existing legally installed off-premise signs to be retained as non-conforming structures.

This option is similar to Option 4 except that it extends the prohibition to more than just billboards; it extends it to all off-premise signs. This is an option that many jurisdictions have adopted including most of the eastern Washington cities included in the spreadsheet provided at the previous meeting. This option would likely be acceptable to all individuals expressing support for restrictions on billboards, but would presumably be opposed by the local

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<sup>1</sup> Peter Grover of Metro Outdoor testified at the workshop saying, "But as far as . . . us building new billboards and all this stuff it's just not happening, there is really no where else for us to build in this city, you know for the most part anyway."

<sup>2</sup> Whether allowed to be retained or not, the removal of a billboard does not result in loss of structural value for billboards under taxation laws in Washington and other states that define billboards as personal rather than real property. The industry's justification of this, which apparently was persuasive to lawmakers, is that billboards do not belong to the underlying property owner. The land is simply being leased and the billboard can be removed and used elsewhere. This departs significantly from taxation laws on other structures permanently affixed to the ground.

business community. The impact of this option to the billboard industry would be the same as Option 4, but it would be potentially more burdensome to existing businesses in the city that currently rely upon off-premise signage other than billboards.

6. Allow mobile billboards.

This was the request of one individual. These are currently not permitted in the manner the individual requesting them desired, in part because they are considered off-premise signs and off-premise signs are specifically excluded from some of the zoning districts this individual hoped to advertize in, and also because they are not defined under any specific sign type (e.g., free-standing sign, wall sign, temporary sign, etc).

**Staff observations pertaining to the above billboard options:**

Staff appreciates the fact that the industry has self-imposed standards that facilitate consistency and predictability in how billboards are operated. Staff suggests that the Commission carefully evaluate how those standards are worded and interpreted by the industry to ensure that they align with the Commission's understanding of such standards. For example, the industry's definition of what constitutes a changing message is apparently different than what staff considered during its inventory of billboards. When staff reported that the billboard on Valley Mall Blvd. and Longfibre Road contained 13 changeable messages, Peter Grover of Metro Outdoor Advertising responded that it does not contain 13 messages because the rules of Outdoor Advertising Association of America (OAAA) limit messages to 8. He said there might be loops that bring it back around to different copy from the same advertiser, but that there were no more than 8 advertisers. However, my report did not enumerate how many businesses placed the ads; only on the number of changing messages because the concern was the amount of messages a driver can read without being unduly distracted. There were 13 changing messages documented for that sign.

Another example of the industry interpreting standards different than what we might expect is how it interprets a "static" or "non-animated" billboard. When referring to Metro Outdoor's billboard on Nob Hill Blvd and So. 1<sup>st</sup> Street, Mr. Grover stated that this digital billboard conforms to OAAA's limit of 8 seconds between "advertisers". However, the 8 seconds devoted to single advertisers are not 8-second pauses; they are 8 seconds in full-motion with pictures, lines of text and graphics appearing and changing rapidly. These full-motion ads on Metro Outdoor's billboards are consistent with the following statements from Metro's web page:

Under <http://www.metrooutdoorllc.com/aboutus.html>  
(The following language is under the "About Us" tab):

"Metro Outdoor was formed in 2005 with headquarters in Phoenix, Arizona . . . They have also brought to Yakima the latest in Digital (LED) technology and are operating the only full motion display in the market. This display, located at West Nob Hill and South 1st Street, is like watching a 300 square foot high-definition television."

Under <http://www.metrooutdoorllc.com/digitalshowcase.html>  
(The following language is under the "Digital Showcase" tab):

"The only Full Motion Billboards on  
Private Land in the USA!"

**"2 Digital Displays to Keep your message moving!"**

"Metro's full motion digital display is the latest in LED technology and is one of only a few in the United States. It provides for faster time to market, better customer targeting and the flexibility to change your copy quickly and frequently."

"With up to twice the brightness as our competitors and better resolution, the conventional billboard has been transformed into the perfect high-tech electronic outdoor display. Not only is our digital technology full color and large format, it also has many distinct advantages including displaying full motion animation and in effect, combining specialized television commercials with outdoor advertising into one unique advertising medium."

"Metro's high profile digital display location at West Nob Hill Blvd. and South 1st St. in Yakima. "

[See full motion display graphic of this referenced sign on cited web page]

"Metro's 2nd high profile digital display is on Valley Mall Blvd. across from Costco and Toyota!"

[See full motion display graphic of this referenced sign on cited web page]

As the above language from Metro's webpage indicates, the intent behind the 8-second rule versus the way it is interpreted and applied can be significantly different.

Regarding brightness of illumination, staff has received comments from individuals living in Terrace Heights that the Nob Hill Blvd and So. 1<sup>st</sup> Street billboard can be seen changing messages from their homes. Mr. Grover stated at the public workshop that this billboard meets industry's standard for brightness and that he could not dim it any further without turning it off. It might therefore be useful for commission members to view the sign at night and determine if its brightness reflects an acceptable standard. Metro's webpage states that this sign has "up to twice the brightness as our competitors" It might therefore be helpful to compare the brightness of this digital sign to those of other companies.

Finally, regarding comments on permit activity for billboards, it is true that the City issued one permit for a new billboard since 2009 and one for a digital update. However, the City issued 10 billboard permits since 2008 and issued a total of 15 permits since 2006. Nonetheless, it is not clear when most billboards were actually installed since we have no record of permits for 62% of existing billboards in the City. It appears that many have been installed without permits.

**Additional Billboard Considerations.** In addition to options reflecting the verbal testimony at the public workshop, the following options might be considered in response to written comment:

- a. Suzanne Noble suggested that we allow billboard messages only if a scene of Yakima landscape were displayed on a second billboard. This option would likely be difficult to enact due to issues pertaining to regulation of content. In the alternative, Ms. Noble stated that she favors not providing any more billboard space, finding that they are annoying, unpleasant and difficult to avoid. Options 3 – 5 would achieve Ms. Noble's stated preference.
- b. Heather Lowe asks that we enact an ordinance that bans digital billboards, reduces existing billboards, and affords strict management of on-premise sign. Options 4 & 5 would achieve Ms. Lowe's request, as would an amortization clause for existing billboards.

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### **Digital Sign Options:**

The feedback on digital signs focused primarily on the technical issues of brightness and timing between messages, and this came from billboard and sign industry representatives. Based upon industry input, the following options might be considered:  
Digital Signs:

1. Retain the status quo – change nothing.

This option would reflect the input from the billboard industry attesting that they adequately regulate themselves in terms of brightness and changing of messages. However, the industry does suggest that rules may be necessary to similarly regulate on-premise signs.

2. Adopt standards that limit the brightness and intensity of illumination and that also regulate the timing of message change and animation.

This option would reflect the input of the billboard industry attesting that there is no need to put any further restrictions on billboards because of self-imposed regulations, but that on-premise signs should meet a standard at least as restrictive as billboard industry standards.

**Staff observations pertaining to the above digital sign options:**

Option 1 would reflect primarily the input of Jean Owens. She was the one individual who expressed concern over adoption of additional regulations on businesses. Most speakers seemed comfortable with the idea of regulating both the intensity and motion of digital signs and this seemed to be a common theme amongst those who spoke. However the degree to which they would be regulated would require more discussion and analysis. Specifically, it appears that there are divergent ideas on what constitutes an animated sign and how the timing between advertisements would be regulated. As the above staff comments pertaining to digital billboards demonstrates, the industry may interpret "8 seconds between messages" quite differently than we might otherwise assume. Commission members may wish to drive by the digital billboard on North 1<sup>st</sup> Street just beyond J Street and compare its change of messages to that of Metro's sign on Nob Hill Blvd and So. 1<sup>st</sup> Street. The No 1<sup>st</sup> Street billboard has completely static ads with no motion and no animation. It's only change is the instantaneous transition from one ad to another.

We should also ensure that everyone is on the same page in terms of how we define maximum brightness. For example, James Carpentier, representing the International Sign Association (ISA) informed me that measuring illumination with NITs is now obsolete and suggested instead that illumination be measured in foot-candles, whereas Peter Grover stated that the billboard industry still measures in NITs. Mr. Carpentier offered to have a digital sign brought in to help illustrate different brightness levels. Staff believes that this would provide a more sure way of determining an acceptable brightness levels. We might also be able to compare illumination by both NITs and foot-candles. Mr. Grover stated that his digital billboard is reduced down to 350 NITs at night, but Mr. Carpentier stated that the suggested 0.3 foot-candles is equivalent to 320 NITs, meaning that Metro's sign would have to be somewhat dimmer to meet ISA's recommended standards. It is unclear how significant those differences are without an actual demonstration. I can contact Mr. Carpentier to see if he is still willing to do this if the Commission would like to pursue that option. However, that would require an evening meeting so we would need to adjust our schedules accordingly.

**Additional Digital Sign Considerations.** As part of his verbal testimony at the public workshop, David Servine referenced and stated support for the written comments submitted by James Carpentier. Mr. Carpentier offered the following recommendations.

- a. Adopt a 0.3 foot-candle standard for regulating brightness. He states that this is equivalent to ~320 nits or less of an all-white EMC (electronic message center) background at night.
- b. Require that all EMC's be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim.
- c. Adopt a definition for digital sign as follows: "Digital Sign – A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means."
- d. Do not enact any color or text-only restrictions
- e. If we enact a hold time for EMCs keep them in the 3 to 4 second range. Transition time for fade in and out should not exceed 1 second.

- f. Maintain separate and distinct regulations for on-premise and off-premise signs.
- g. Consider positive economic impacts of EMCs on the business community.

Option 2 would facilitate Mr. Carpentier's recommendations, provided that the actual figures adopted under Option 2 were in line with the figures he recommends.

Some additional things the Commission may wish to consider in terms of digital signs that were not discussed during the workshop include the following:

- a. The number and size of digital signs permitted. Some jurisdictions limit the number and size of digital signs. We can refer to the spreadsheet I provided at the last meeting for examples. It should be noted that James Carpentier suggested that the City allow 75% or 100% of a freestanding sign to be digital.
- b. Appropriate zones for digital signs. Some jurisdictions either do not allow digital signs in residential and other sensitive zones, or they limit sign text in those zones to monochrome display or dark background only.
- c. Method of displaying digital signs. The Commission may wish to discuss whether digital signs should be incorporated into a static sign or allowed to be displayed independently. There is no identifiable trend with other jurisdictions on this one way or the other, but it may be something to consider.
- d. Digital Signs as an Incentive. Allow digital signs as an incentive to forgo other forms of temporary promotional exterior signs such as banners. Since digital signs have become such a common form of promotional advertizing, the idea would be to allow digital signs in lieu of banners and other forms of temporary exterior signs. This could clean up much of the "visual clutter" that occurs when temporary signs start to dominate commercial streetscapes, and might compensate to a degree for the some of the visual impact that digital signs themselves create.
- e. Form of Message Transition. What ever time period is defined for each message (e.g., 8 seconds), the quickness of the change can be startling, particularly as we see more and more digital signs in a confined area, each changing at different time. This could be mitigated by having signs messages transition with quick fade-ins rather than instantly appearing. A good way to illustrate this is to refer to the "entrance" options in a PowerPoint presentation. You are given the option to have a message "appear", which occurs instantly, or "fade" which has messages come in less abruptly. The "very fast" speed in PowerPoint is almost instant, but takes the abruptness out of the appearance.

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### **Conclusions:**

The Commission intentionally decided at its November 13 meeting to not pursue any specific course of action until we could first solicit public input and explore various options. We received valuable written comments and valuable feedback at the December 11 public workshop, but attendance at the workshop by both business owners and general citizens was light. Staff received comments that its timing was too close to the holidays. I therefore recommend that the Commission continue to receive feedback during all proceedings in the same manner as we did with the cell tower issue. We will look for other means of notification to both businesses and residents as we discussed at

the November 13 Planning Commission meeting. However, we'll need to focus fairly quickly and begin developing a specific course of action to meet the moratorium deadline. I recommend that the Commission begin at this next meeting (January 8) to provide some preliminary direction to staff so that we can start drafting actual code language and get the SEPA process going right away. To facilitate this process, it might be helpful to discuss digital sign regulations first since they could be a common component to both on-premise signs and billboards.

Attachments:

Spreadsheet of Billboard and Digital Sign Regulations in Washington Cities

Summary of Comments from the December 11, 2013 Workshop

Letter of James Carpentier dated December 10, 2013 (referenced during the public workshop)

E-mail Comment from Heather Lowe dated January 8, 2014



## Billboard / Digital Sign - Regulations in Washington Cities

	City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboards	Prohibit Off-premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
	Ellensburg	✓ TC zone only, CUP required, 288 sq.ft. max.					One digital sign per frontage, 3 sq.ft. max, 64 sq.ft. max. for public use. 3-second rule applies. 10-seconds pause for entire message.		
	Grandview	✓							
	Kennewick		✓	✓					✓ Must meet size, area, height and electrical requirements by specified date.
	Moses Lake		✓				50 sq.ft. max. size. Illumination limit - 8,000 nits daytime; 1000 nits nighttime. 10-second rule. No white background		
	Pasco			✓ (with exceptions for directional signs)					
	Pullman			✓					
	Richland		✓	✓					
	Selah		✓	✓					
	Spokane			✓			Illumination limit - .3 foot-candles. 2-second rule applies. Limited to 50% of allowable signage. Prohibited in CBD zone.		
	Spokane Valley		✓	✓	✓				
	Sunnyside	Totally discretionary with no guaranteed right. 200 sq.ft. max. Prohibited along designated entryways		✓ (with very limited exceptions)					✓

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Eastern Washington	Toppenish		✓				Allows digital only if no more than 40% of sign face. No moving images, 5000 nits day, 500 nits night		
	Union Gap			✓					
	Walla Walla		✓	✓		✓ (No changing message centers)	Allows electronic text only.		
	Wenatchee	✓ Limited to 60 sq.ft. @ 30 feet tall or 100 sq.ft. @ 8 ft. tall.	(Effectively)						
	Yakima	✓ M1, M2, CBD, GC and RD zones. 35 ft. tall, 500 ft. spacing.							
	Auburn		✓				Illumination limit - 8,000 nits daytime; 500 nits nighttime. 1.5 second rule applies, 5 second scroll allowed.		
Western Washington	Bellevue		✓			✓ (Allowed for non-commercial use only)	4 minute rule applies. 8 hour rule applies. No motion or animation. Limited to text only.		✓
	Bellingham			✓	✓				
	Bothell		✓						
	Bremerton		✓	✓					✓
	Burien		✓	✓	✓		Limited to 50% area of free-standing sign.		
	Centralia		✓						✓ (90 days)
	Des Moines			✓			Illumination limit - 5,000 nits daytime; 500 nits nighttime. 2-second rule applies. No animation.		

Western Washington								
City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboards	Prohibit Off-premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
Everett	✓ 20 ft. above street grade, 1000' separation, subject to removal clause.			✓ Requires removal of any nonconforming billboard owned by that company, and remove/conform when sold.	✓			
Federal Way		✓	✓					
Fife			✓					
Gig Harbor			✓		✓			
Kent				✓	✓ (prohibition applies to off-premise only)			
Lacey			✓		✓			
Lakewood		✓	✓					✓
Marysville		✓				No animation. 20 second rule applies. 30% of sign area max. Dimming mechanism required.		
Mill Creek			✓					
Olympia		✓	✓			(3 minute rule (very limited). 30 second rule applies.		
Port Angeles	✓ CA and Industrial Zones only. 1000 ft. spacing.							
Port Orchard		✓	✓		✓ (billboards)			✓
Poulsbo		✓	✓					
Puyallup		✓				2 second rule applies.		
Renton			✓					

	City / Jurisdiction	Billboards Allowed with Size/ Location Restrictions	Prohibit New Billboards	Prohibit Off-premise Signs (including billboards)	Allow New Billboards Only with Relocation Permit	Prohibit Digital Billboards / Signs	Digital Design Restrictions	Allow Digital Only with Reduction Provision	Eliminate Existing Billboards By Amortization
Western Washington	Sea Tac		✓	✓			Illumination limit - 8,000 nits daytime; 500 nits nighttime. 1.5-second rule applies. Requires dark background.		✓
	Seattle	✓ (subject to removal clause).	✓ (except under removal clause).	✓ (within 660 feet of highways)	✓	✓ (billboards)	2 second rule, with 20 second pause.		
	Sequim		✓	✓					
	Shelton		✓	✓		✓ (except for 10-acre shopping center)			
	Shoreline		✓	✓			20-second rule applies. No moving messages.		
	Tacoma	✓ (subject to removal clause).	✓ (except under removal clause).		✓				✓
	Vancouver		✓	✓			4 / 8 second rule applies. Illumination limit - 8,000 nits daytime; 1000 nits nighttime. Requires ambient light monitor		
	Woodinville		✓	✓		✓ (Allowed only in Public/Institution Zone)	32 sq.ft. max. Single color only (warm tone). 4 second rule applies.		

Legend – Cities highlighted in yellow are those that permit the typical billboard without any requirements for mitigation (e.g., no requirements to remove existing billboards to allow new billboards), and without limiting factors such as the fully-discretionary, no guarantee provisions of Sunnyside.

Of those jurisdictions that allow billboards, Yakima and Grandview are the least restrictive in terms of required spacing, lack of illumination restrictions, and the number of zones in which billboards are permitted

## **Summary of Comments - Billboards and Digital Signs -**

**The following is a summary of oral comments provided at the December 11, 2013 public workshop on billboards and digital signs:**

Jean Owens (Local business owner & Selah resident) – Stated that she is appalled that the city is taking up this kind of time on this issue, and that she didn't think the city would try to consider regulating the signs. She asked if the city did any research or had any statistics on the safety aspect of signs.

David Servine (International Sign Association & Yakima resident) – Spoke of the importance of digital communication in this day and age, stating that it's impossible to avoid. He spoke in support of recommendations in a letter submitted by James Carpentier (letter is separately attached).

Fred Nelson (County Resident and Business Owner) – Stated his desire to use a mobile billboard to advertize his out of town business in Yakima and expressed frustration that he was told that the current code did not address them and that they were therefore not allowed.

Neil Schreibeis (LaMar Advertising – Post Falls, Idaho) – In reference to map provided by staff, Mr. Schreibeis stated that the locations on map, though perhaps available, are unlikely to ever be built due to restrictions by land owners, restrictions on visibility, location of buildings, visibility from other properties, including other signs or other view blockages, and also amount of advertisers that want to be on billboards. Discussed what we're limiting if we regulate. He states that they pay taxes on every single structure, as well as rent to landowners, and that advertisers receive benefit because it gets people into their business. He referenced OAAA (Outdoor Advertising Association of America) study that stated that when billboards were reduced, 3 out of 4 businesses that advertised on those billboards lost business. Ben Shoval, Planning Commission Chair then asks Mr. Schreibeis to speak to standards of lighted billboards. Mr. Schreibeis then discusses the issue of dimming technologies. Ben asks him if those are standards his company adheres to. Mr. Schreibeis also states that they provide Amber Alerts and other public messages.

Tom Knaub (LaMar Advertising, Chelan, WA resident, local office) References some of the cities in Steve's spreadsheet that limit digital signs to monochrome color. He states that if we restrict color we should remember that people who pay for those ads want people to be looking at those ads and a monochrome ad will be much less attractive than an ad with a full color range. He states that the brightness is something we'll be more interested in than the color.

Peter Grover (Metro Outdoor Advertising, Scottsdale Arizona) – Referred to the last city Council meeting when he gave a "significant report on status of billboards in the town and stated that between he and his father, they had leased about 90% of billboard locations in Yakima. States that we have in place a very restrictive code, stating that the locations on the map Steve provided are impossible. He states that existing code with

existing zones and spacing is very restrictive, stating that they are one of the more regulated industries across the whole country and that they are still highly regulated here in Yakima and that they can't run around putting billboards wherever they feel like putting them. He provided permit numbers since 2009: Pole signs – 103, wall signs 176, cell towers 17, new billboard permits in that time – 1. Since 2010, he added one new digital billboard. He says that Metro self regulates themselves as far as illumination goes. States that he still goes by NITS to regulate illumination and that his manufacture is WatchFire, and that at the brightest sun, brightest time of day it will be 7500 NITS. Says that at night it drops down to 350 NITS. Says he's one step aside from turning the thing off. Says they also follow OAAA spacing between advertisers – saying that its 8 seconds and says that on-premise advertisers (e.g., Mel's Diner) are going "berserk" all hours without any brightness levels. States that the problem around town is that a lot of on-premise signs don't have auto-dimming on them and no restrictions on when copy changes. In reference to Steve's spreadsheet about different communities, he states that he could provide a spreadsheet representing Eastern Washington that is more favorable – that it's just a different view point. States that option to remove a static billboard to allow a digital would impact his business because he only has 10 signs around town. He notes that Oregon required that because the Oregon Supreme Court ruled that their sign regulations were totally illegal, they had no sign regulations in place for some time so people installed signs everywhere, and they are now trying to play catch up to remove the signs installed during the no-code period. He concludes by saying that Yakima has a good code, they've been responsible, and that Yakima is not over-built with billboards. He says that if he could recommend anything, it would be to adopt what OAAA is already doing, which is to adopt the 8 second rule for text change and also the auto dimming, and to apply same standards to on-premise signs. States that his signs go off at midnight and back on at 5:00 a.m. \

Larry Oliver (Eagle Signs, Yakima County business) – Mr. Oliver says that process has omitted common sense. Says that Eagle also uses WatchFire units – that they're one of the main industry standards and one of the best out there. Says another one is Daktronics. Says that dimming with WatchFire is done automatically and that we just need to get back to customer and say, "tone it down". Says that a lot of it is that there is no showing even his own customers that it can be done. Says that we don't want to take away advertising to customers. If they can't make money, they won't be out there. Also says he's upset when he sees the map staff prepare, saying that you won't see a billboard at every location – its not common sense. Ben then asks if the auto dimming is already built into sign. He states that it is. Ben asks if the 8 second rule would be an issue for his customers, He states that he's not sure, that its up to the customer. He said an add every second is not readable, and references timing in relation to speed limit. Dave Fonfara asks if he were to make a recommendation, it might be the auto dimming and the appropriate level of brightness. He confirmed yes, he would have no problem with that and said he thought the customers would agree to that too.

Jesse Oliver (Eagle Signs, Yakima County business) – Says that restricting business is not a good idea in his mind – that we shouldn't be taking these rights away from people trying to create revenue.

Anna Marie DuFault (County resident, Yakima city office) – Part of Coalition, Safe Yakima Valley with a Drug-Free Community interest. Expressed concerns of advertising alcohol and addictive products and the fact that we could not regulate text to avoid these ads. Concerned that the more alcohol ads young people are exposed to, the more likely

they are to drink. Says that the very first thing that welcomes you to the City of Yakima is a hydroponics store that is not even a local business – its in Ellensburg – and it's a modified pot leaf that is being advertized for that store. Says that what we know about businesses selling alcohol products is that for every tax dollar they bring in, there are 10 dollars of social costs. She states that we need to be mindful of the implications of advertising products that are associated with domestic violence and substance abuse issues. She said that they are trying to discourage underage drinking and that we need to balance the community perspective for our young people.

Barbara Cline (local City of Yakima architect) – Says that her comments are for both types of signs, and that her comments will be more subjective than technical because she's not in the sign industry. States that as a design professional, she's very much aware of what the appearance of the built environment says about our community. Says she want to be proud of Yakima, but wants to make comments about how she perceives the built environment relative to signs and billboards. She states that signage is marvelous when it comes to wayfinding – that is the basic purpose of signage. Says signage is great if it's advertising local interests, whether business or activity, so there is an appropriate use of signage in that regard. She also noted that when signage is being reviewed, some towns are looking at Dark Sky compliance and suggests that is important to consider as we discuss signage now. States that she doesn't want Yakima to be out of date with trends that are occurring in other parts of the country and the state. So as we try to make ourselves more beautiful, she notices from the provided list that more and more towns are limiting off-premises signage. Also states that it's interesting that the media states that 1/3 of signs in Yakima are local interest. Says that when people come to Yakima, they need to know about Yakima and not everybody else. States that location, scale and color are extremely important factors relative to wayfinding. Also states that visual chaos is something she's aware of. She says that people travel to places they find desirable and the idea of visual chaos comes into play. She also notes that in some cases neighboring property values are driven down depending on type of signage occurring around them and that in some cases economic development is being discouraged because the overall environment has become so chaotic that it's not pleasant for people to be there. Says she's not necessarily in favor of more regulation, but that this is an area where more regulation is going to have to be put into play in order to make the visual environment more beautiful. You take North First Street and eliminate all that signage – look at the rich ridge behind it. "This is Yakima, that's what I want to look at"

**The following is a summary of written comments submitted to the City on billboards and digital signs:**

James Carpentier (International Sign Association and Northwest Sign Council, Mesa, Arizona) – Letter of December 10, 2013 - Suggests that we adopt a 0.3 footcandle level and that we adopt automatic dimming capabilities on all permitted EMC's (Electronic Message Centers). Recommends that we allow 75% or 100% of freestanding signs to be digital; Recommends that a definition for a digital sign be included in the definition section of the sign code. His recommended definition is "Digital Sign – A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means." Further recommends that we: not enact any color or text-only restrictions; enact hold times for EMC's in the range of 3 to 4 seconds, with a transition for fade not to exceed 1 second; limit illumination to 5,000

nits daytime and 500 nits evening, not enact requirements for dark backgrounds. Finally, he recommends that we maintain separate and distinct regulations for on-premise and off-premise signs.

Suzanne Noble (Yakima resident) – e-mail comments dated December 9, 2013 – Shared idea of imposing a requirement that billboard messages be accompanied by a sponsored image on a billboard of a beautiful view of Yakima's surrounding landscape. If that wouldn't work, she suggests a matching billboard for a non-profit group. She states she is also in favor on not providing any more billboard space. She states that billboards are a commercialization of the common space, and that they are "annoying, unpleasant and difficult to avoid. She states that having a giant billboard in one's face is worse than radio or TV or newspaper ads.

Heather Lowe (Volunteer of Keep Washington Beautiful). She states that the key question is "what kind of city does Yakima want to be known as; what character, what experience do you want visitors to savor; and what quality of life do you want for workers and residents? She states that it takes commitment to high standards to be known as an outstanding destination. She describes our tourism opportunities (e.g., wineries, agriculture) She states that digital billboards pose a major visual and environmental pollution threat to Washington State, and notes that once digital billboards go up, they'll never come down,. She notes that land values decline, safety hazards become municipal liabilities, and the threat of lawsuits against the city rise. She emphasizes that the only benefit of a digital billboard is to the advertising company in increased revenue and profits. She asks that we enact an ordinance that bans digital billboards, reduces existing billboards, and affords strict management of on-premise sign.

In a follow-up e-mail copied to the City from Heather Lowe dated December 12, 2013, she expresses concern that industry representatives were there to speak out because "they are paid to travel, noting their out-of-state business connections. She also questioned the Planning Commission Chair's comments to the press regarding hurting business and limiting property rights, stating that this is not a neutral view.

Barbara Cline (Yakima architectural firm) – Ms. Cline reiterated the comments she gave at the December 11 workshop stating emphatic support of prohibiting off-premise signs and also prohibiting new billboards. She stated that Yakima will feel like it continues to be behind the times if we don't pay more attention to the quality of the appearance of our built environment. She stated that the chart outlining the regulations from Washington cities overwhelmingly showed the number of cities that prohibit new billboards and off-premise signs, noting decreased property values, discouraged economic activity and visual chaos as good reasons for those bans.

Andrea Prentice (Yakima resident). In reference to Yakima Herald article of December 12, Ms. Prentice states that we should have strict regulation on billboards, and that many Washington small cities have such regulations, including outright bans. Says she agrees with Barbara Cline that such advertising detracts from the community and causes "visual chaos."



December 10, 2013

City of Yakima  
Planning Commission



INTERNATIONAL SIGN ASSOCIATION

Dear Planning Commission,

On behalf of the International Sign Association (ISA) and the Northwest Sign Council (NWSC), I would like to submit our organization's comments with regard to Introductory Discussion of billboards and digital signs. The International Sign Association (ISA) is a 2000-member trade association, the members of which are manufacturers, users and suppliers of on-premise signs and other visual communications products from the 50 United States and 60 countries around the world. ISA supports, promotes and improves the visual communications industry, which sustains the nation's retail, distribution, service and manufacturing industries. ISA and the NWSC work actively with officials and business owners throughout the northwest to assist jurisdictions with creating reasonable and effective sign regulations.

ISA recommends that staff, City Council, and other involved stakeholders should consider the following resources as part of their information-gathering and ordinance-writing processes. In preparation for this meeting we took the liberty to review the sign code for, legal issues and best practices.

For purposes of organization, I have organized my comments into three categories of feedback. The first grouping is **Recommendations for on-premise sign regulations**. The next category are **Comments on the Memorandum dated December 11, 2013** and the last category is **Changes Recommended as Best Practices in Drafting a Sign Ordinance**.

### **Recommendations for on-premise electronic message centers**

- **Brightness Levels for Electronic Display Signs**

In 2008, ISA hired a lighting expert (and a former president of the Illuminating Engineering Society of North America) to develop recommendations for self-regulating industry standards to address concerns about EMC brightness. These standards are compliant with IES TM-11-00 ("Light Trespass: Research, Results, and Recommendations"). In summary:

**B. EMC Illumination Limits: The difference between the off and solid-message measurements using the EMC Measurement Criteria shall not exceed 0.3 footcandles according to ambient light conditions, or that can be adjusted to comply with the 0.3 footcandle measurements.**



INTERNATIONAL SIGN ASSOCIATION

We believe that the 0.3 foot-candles standard (which is typically equivalent to ~320 nits or less of an all-white EMC background at night) is proven to be an appropriate method for regulating brightness.

- **Automatic dimming**

C. Dimming Capabilities: All permitted EMCs shall be equipped with a sensor or other device that automatically determines the ambient illumination and is programmed to automatically dim

- **Allowable percentage of freestanding sign to used as a digital sign.**

We recommend that the City allow 75% or 100% (versus what staff has suggested 30% or 50%) of the freestanding sign to be digital. This allows for additional design flexibility and is supportive of Yakima's business and institutions such as churches, convention centers, sports facilities or entertainment centers that would choose the flexibility of a digital sign as their primary sign .

- **Definition for digital sign or (electronic message center)**

We recommend that a definition for an digital sign be include in the definition section of the code.

Digital Sign – A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

### **Comments on the Memorandum dated December 12, 2013 by Steve Osguthorpe**

No mention is made of the economic considerations for digital or electronic message centers. Please see the attached study by the University of Cincinnati that has information on the economic impacts of EMCs on a hotel chain, banks and auto dealership. We suggest that the positive economic impacts of EMCs on the business community be a part of the discussion when regulating EMCs. Note the attached study "The Economic Value of Signs."

Other Comments on the Bulleted points under Digital Signs page 1, comments by Steve Osguthorpe are indicated by (SO) NWCS/ISA comments are in bold italics:

- Allow 30% to 50% of freestanding sign to be used for digital signs (SO)



INTERNATIONAL SIGN ASSOCIATION

***We recommend that the City consider 75% or 100% as recommended above. We believe that to unreasonably limit the sign area to 30% or 50% would severely limit the amount of information that can be displayed on a digital sign at one time. The bottom line with the allowable % of digital sign is, how business friendly (includes other uses institutional or churches) does Yakima want to be?***

- Limit digital signs in sensitive areas to monochrome text only with a dark background (SO).  
***We recommend that the City not enact any color or text only restrictions. This could infringe on court established free speech requirements. With our recommended brightness restrictions EMC signs will not exceed the brightness of other sign types.***
- Limit text change to 1.5 seconds fade in, and retain image for 8 seconds (OS).  
***We recommend that if the City is to enact hold times for EMCs that they be in the range of 3 to 4 seconds. The transition time for fade in and out should not exceed 1 second.***
- Limit illumination to 5,000 nits daytime and 500 nits evening.  
***This standard is outdated since it is based upon the maximum LED brightness limitations from over 10 years ago. The daytime standard is not needed with the automatic dimming requirement. If digital signs were limited to 5,000 nits they could not be properly viewed in full sunlight. Our recommended brightness limitations are typically around 300 nits substantially less than the 500 nits that are suggested.***
- Require background to be darker than text (OS).  
***We recommend that the City not enact any color or text only restrictions. This could infringe on court established free speech requirements. With our recommended brightness restrictions EMC signs will not exceed the brightness of other sign types.***

### **Changes Recommended as Best Practices**

#### **Maintain separate and distinct regulations for on-premise and off-premise signs.**

The current sign code for Yakima has distinct and separate regulations for on premise and off premise signs. We strongly recommend that all of the regulations for on-premise and off-premise signs be maintained as entirely separate sections of the sign ordinance. This will ensure correct administration of these sections and minimize any confusion of the regulations for on-premise and off-premise signs.

Again, ISA and the NWSC recommends that the Planning Commission, staff, Council, and other involved stakeholders should consider these suggestions to the language of the proposed ordinance. Thank you for your time and consideration to the ISA recommendations to the proposed regulations. ISA and local sign company representatives would be pleased to offer any additional assistance in understanding issues involved in the regulation of on-premise digital signs, including a demonstration of brightness.

Sincerely,

James Carpentier AICP

Manager, State and Local Government Affairs

Ibarra, Rosalinda

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**From:** Heather Lowe [heather@heatherlowedesign.com]  
**Sent:** Wednesday, January 08, 2014 3:00 PM  
**To:** Osguthorpe, Steve  
**Subject:** DIGITAL BILLBOARDS - YAKIMA PLANNING COMMISSION MEETING 1.8.14  
**Attachments:** image003.jpg

**Importance:** High

ATTENTION: PLANNING COMMISSION

Please enter this email as a public comment for today's workshop meeting.

Please make copies of the information on this internet link for distribution to the attendees and for the permanent file and read it aloud for the recorded session.

<http://www.blightfighters.org/reference/>

This page includes links to KEY INFORMATION regarding digital billboards

and announce that a library of information is available at [www.keepwashingtonbeautiful.org](http://www.keepwashingtonbeautiful.org) for the public, planners and City Council Members

Thank you

*Heather Lowe*

**Heather Lowe**

**Volunteer Keep Washington Beautiful**

Linkedin Profile

Ph: 206.854.3936



*"If one advances confidently in the direction of his dreams, and endeavors to live the life which he has imagined, he will meet with a success unexpected in common hours" Henry David Thoreau*

## Digital Billboard Information Sources

It can be daunting to quickly find materials specific to the various subtopics within the complex field of digital signage. Here are some links to resources that various citizens around the country have found to be effective in their battles against blight.

### ENERGY CONSUMPTION

"Illuminating the Issues – Digital Signage and Philadelphia's Green Future" [Click here to read this paper](#) (.pdf) that includes technical details necessary to understanding digital sign industry energy consumption issues.

### IMPACT ON THE COMMUNITY

"Beyond Aesthetics: How Billboards Affect Economic Prosperity" [Click here to read this paper](#) (.pdf) about how property values and other economic variables are impacted by billboards.

Knight Foundation Soul of the Community Project employed a fresh approach to determining the factors that attach residents to their communities and the role of community attachment in an area's economic growth and well-being. [Click here to visit their website](#) for a comprehensive look at their findings.

### LIGHTING TERMS AND TECHNOLOGY

This Illinois Coalition for Responsible Outdoor Lighting article is famously referred to as "Nits to you". The article's real title is "Digital Billboards: New Regulations for New Technology" and it helps sort out various terms like Nits and Illumination in the context of what you need to understand in order to regulate sign lighting correctly. [Click here to read a copy of this informative article](#) (.pdf).

You may also visit them at <http://www.illinoislighting.org/billboards>.

### LEGAL

#### Case Law: Relevant Decisions Regarding Billboards and Other Scenic Issues

This is a good reference page that includes a number of gems that may apply directly to your situation. Please visit their case law page by [clicking here](#).

## **SAFETY**

### **"Digital Billboards, Distracted Drivers"**

"Remember Burma-Shave? Large electronic signs distract drivers in new ways" by Jerry Wachtel in the March 2011 edition of American Planning Associations PA provides an updated overview of this issue and points to additional resources on the topic. [Click Here for Wachtel's original 2009 Safety Study.](#)